



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 12, 1992

Mr. Burton F. Raiford
Interim Commissioner
Texas Department of Human Services
P. O. Box 149030
Austin, Texas 78714-9030

OR92-336

Dear Commissioner Raiford:

The Texas Department of Human Services has asked whether certain information is subject to required public disclosure under the Texas Open Records Act, V.T.C.S. article 6252-17a. Your request was assigned ID# 15921.

The Texas Department of Human Services has received a request for the names and addresses of all delegates to the May 1, 1992 Texas Summit on Adolescent Pregnancy Prevention. You claim that this information is excepted from required public disclosure by section 3(a)(1) and 3(a)(11) of the Open Records Act.

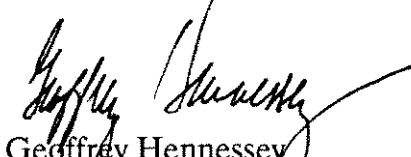
Section 3(a)(1) excepts from required public disclosure "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." Though you contend that this information is protected from public disclosure pursuant to section 3(a)(1), you have not identified why or by what authority this information should be deemed confidential as a matter of law. Nor have we been able to ascertain any legal authority deeming the information at issue confidential by law. Accordingly, we rule that section 3(a)(1) does not apply.

Section 3(a)(11) excepts from public disclosure "inter-agency or intra-agency memorandums or letters which would not be available by law to a party in litigation with the agency." This exception is intended to "protect from public disclosure advise and opinions on policy matters and to encourage frank and open discussion within the agency in connection with its decision-making process." *Austin v. City of San Antonio*, 630 S.W.2d 391, 394 (Tex. App.--San Antonio 1982, writ ref'd n.r.e.). Facts may not be withheld under section 3(a)(11). Open Records Decision Nos. 574 (1990); 213 (1978). The requested information, *i.e.*, the names and addresses of the

conference participants, consists of purely factual information which is not protected by section 3(a)(11).

We conclude that neither sections 3(a)(1) nor 3(a)(11) are applicable; thus pursuant to the act, the information may not be withheld from public disclosure. Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-336.

Very truly yours,



Geoffrey Hennessey
Assistant Attorney General
Opinion Committee

GH/lmm

Ref.: ID# 15921

Enclosures: Opend Records Decision Nos. 574, 213

cc: Ms. Donna Harwell
Chair, Texans for Healthy Sex Education
P. O. Box 7556
Abilene, Texas 79608